

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BYTEMARK, INC.,

Plaintiff,

V.

**XEROX CORP., ACS TRANSPORT
SOLUTIONS, INC., XEROX
TRANSPORT SOLUTIONS, INC.,
CONDUENT INC., and NEW JERSEY
TRANSIT CORP.,**

Defendants.

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**CIVIL ACTION NO. 1:17-cv-01803
(PGG)
ECF CASE**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S OBJECTIONS TO THE JANUARY 13
2021 ORDER (DKT. #129) OF THE UNITED STATES MAGISTRATE JUDGE**

Defendants Xerox Corp., ACS Transport Solutions, Inc., Xerox Transport Solutions, Inc., Conduent Inc., and New Jersey Transit Corp. (collectively “Defendants”) do not oppose Plaintiff Bytemark’s Objections to the January 13, 2021 Order (Dkt. No. 129) of the United States Magistrate Judge (“Bytemark’s Objections,” Dkt. No. 133), which mirror Defendants’ Objections to the January 13, 2021 Order (Dkt. No. 129) of the United States Magistrate Judge (“Defendants’ Objections,” Dkt. No. 134). Defendants agree with Bytemark regarding the facts underlying the Magistrate Judge’s order and with the law cited in Bytemark’s Objections.

In an effort to minimize costs, reduce papers, and ensure that the substance of the parties' discovery dispute is addressed, the parties conferred in preparation for these response briefs. Defendants understand Bytemark intends to briefly address certain points made in Defendants' Objections—points which Bytemark describes as “mischaracterizations.”

Defendants' stand by the statements made in Defendants' Objections and respectfully request that the Court refer to the parties' briefing to understand the full scope of the discovery dispute. *See* Dkt. Nos. 116¹, 124², 127-1³, 120⁴, 122⁵, and 121⁶.

Accordingly, if the Court deems it appropriate to set aside the Magistrate's order, it should be set aside for both parties' motions such that they can be decided on the merits. *See* Dkt. No. 134.

¹ Defendants' Motion to Compel and Motion for Protective Order.

² Plaintiff's Opposition to Defendants' Motion to Compel and Motion for Protective Order.

³ Defendants' Reply in Support of Motion to Compel and Motion for Protective Order.

⁴ Plaintiff's Motion to Compel.

⁵ Defendants' Opposition to Plaintiff's Motion to Compel.

⁶ Plaintiff's Reply in Support of Motion to Compel.

Dated: February 10, 2021

Respectfully submitted,

/s/ Ashley N. Moore

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